

34701

IN THE CIRCUIT COURT OF JACKSON COUNTY  
STATE OF WEST VIRGINIA

STATE OF WEST VIRGINIA,

Plaintiff,

VS.

CHARLES M. BIEHL,

Defendant.

CRIMINAL CASE NO. 07-F-35  
THOMAS C. EVANS III, JUDGE

RECORDED  
2008 FEB 20 9:29  
JACKSON COUNTY  
CIRCUIT COURT  
FILED

ORDER

On this the 7th day of January 2008, came the State by Shannon L. Baldwin, Prosecuting Attorney, in and for this County and State, and the Defendant, in person, and by counsel, D. W. Bostic, for post-trial motions and sentencing.

Counsel for Defendant filed a Motion for New Trial and Motion for Judgment of Acquittal. After argument of counsel and for reasons stated on the record, the Court DENIED Defendant's Motion for New Trial. After argument of counsel, the Court found viewing the evidence in the light most favorable to the State that the verdict was supported by sufficient evidence. Therefore, the Court DENIED Defendant's Motion for Judgment of Acquittal. Defendant's exceptions were noted and saved on the record.

The Court then afforded counsel for the Defendant the opportunity to speak on behalf of the Defendant and addressed the Defendant personally and asked him if he wished to make a statement in his own behalf and/or to present any information in mitigation of punishment. The Court also heard from the State of West Virginia.

The Court also afforded members of the victim's family to address the Court.

Thereafter, the Court did proceed to pronounce the sentence of the law against him, and nothing being offered or alleged in delay of judgment, the Court sentences the Defendant as follows:

For the offense of **First Degree Murder**, the Defendant is committed to the custody of the Commissioner of the West Virginia Department of Corrections for confinement in the penitentiary for **life without parole** therein to be safely kept and treated in all respects in accordance with the law.

The Court then advised the Defendant of his right to appeal including his right to an attorney, and ORDERED that the Circuit Clerk furnish the Defendant with a written statement of his post-conviction rights.

The Defendant is remanded into the custody of the Department of Corrections.

The Clerk of this Court shall send attested copies of this Order to (1) Shannon L. Baldwin, Prosecuting Attorney; (2) D. W. Bostic, counsel for the Defendant; (3) Sheriff of Jackson County; (4) South Central Regional Jail; and (5) Department of Corrections.

A TRUE COPY, CERTIFIED THIS THE

All of which is, accordingly, ORDERED.

ENTERED this 20<sup>th</sup> day of February, 2008.

FEB 20 2008

*Keith Berthelme*  
CLERK CIRCUIT COURT  
JACKSON COUNTY, WEST VIRGINIA

*Thomas C. Evans, III*

Thomas C. Evans, III, Judge

PREPARED BY:

*Shannon L. Baldwin*  
Shannon L. Baldwin  
Prosecuting Attorney  
West Virginia State Bar # 7975

ENTERED THE 20<sup>th</sup> DAY OF  
Feb 2008  
ORDER BOOK 112 PAGE

22  
*Keith Berthelme*  
CLERK CIRCUIT COURT

CLERK CIRCUIT COURT  
JACKSON COUNTY, WEST VIRGINIA  
FEB 20 P 1:29